

Message Text

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41

ACTION NEA-10

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STADIS////////////////////////////////

E.O. 11652: N/A

TAGS: OGEN, SHUM, IS, US

SUBJECT: ALLEGED NAZI WAR CRIMINALS IN U.S.

REF: STATE 023755, 75 STATE 299939, 75 TEL AVIV 8247,
75 TEL AVIV 7596

1. BERNSEN/ZUTTY ARRIVED JANUARY 6 AND WERE MET AT AIRPORT BY CONSUL GENERAL CADEAUX AND INP DEPUTY COMMANDER MICHAEL D. KAPLAN. KAPLAN HAD BEEN DESIGNATED BY MINISTRY OF JUSTICE AS ISRAELI CONTROL OFFICER FOR INS OFFICIALS. EMBASSY COORDINATED VISIT WITH MFA, MINISTRY OF JUSTICE AND INP.

2. BERNSEN/ZUTTY MET WITH DCM, LEGATT, AND PRESS ATTACHE FOLLOWING DAY TO COORDINATE USG POSITION. SUBSEQUENTLY, THEY MET WITH MAJOR GERSHON LENGSELDER AND INP INSPECTOR GENERAL SHMUEL ROSOLIO IN TEL AVIV. ON FRIDAY, JANUARY 9, BERNSEN/ZUTTY, ACCOMPANIED BY CONGEN, TRAVELED TO JERUSALEM TO VISIT THE ISRAELI ATTORNEY GENERAL, PROFESSOR AHARON BARAK, AND STATE ATTORNEY GABRIEL BACH. (INCIDENTALLY, BACH WAS MEMBER OF TEAM WHICH PROSECUTED EICHMANN CASE.) RESULTS OF TALKS BETWEEN INS OFFICIALS AND ISRAELIS WERE UNIFORMLY EXCELLENT. EVERY ISRAELI WELCOMED BERNSEN/ZUTTY

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WARMLY AND OFFERED THEIR COMPLETE COOPERATION. BERNSEN,

FOLLOWING VISIT WITH BARAK AND BACH, STATED "THAT WAS THE BEST PROFESSIONAL LAWYERS' TALK I HAVE HAD IN A LONG TIME."

3. MAJOR LENGSFELDER, WHO IS THE KEY MAN IN THIS MATTER, STATED HE IS AWARE OF ALL 54 CASES UNDER INVESTIGATION. LENGSFELDER ALSO SAID HE KNEW THAT VALERIUS MASKOLIUNAS (AKA ALEKSAS) HAD DIED; HE POINTED OUT THAT ANOTHER MAN UNDER INVESTIGATION, PETRAS ZIELONIS, IS ALSO DECEASED.

4. LENGSFELDER BELIEVES HE HAS COLLECTED SUFFICIENT PRIMA FACIE EVIDENCE AGAINST THE FOLLOWING NINE PERSONS TO JUSTIFY THEIR DETENTION AND TRIALS:

1. KOWALCZUK, MIKOLAJ 6. TRIFA, VALERIAN
2. KOWALCZUK, SERHIJ 7. DETLAVS, KARLIS
3. PASKIAVICIUS, MECIS 8. LINNAS, KARL
4. KAMINSKAS, BRONIUS 9. KAKTINS, ZIGUARDS
5. LEWICKAS, ROMUALDAS

IN ADDITION, ONE ANDREI ARTUKOVIC, WHOSE NAME IS NOT ON THE LIST PREPARED BY INS, IS CONSIDERED TO BE READY FOR TRIAL. LENGSFELDER INDICATES THERE ARE 13 ADDITIONAL CASES IN WHICH HE HAS GATHERED A CERTAIN AMOUNT OF EVIDENCE BUT REQUIRE ADDITIONAL INVESTIGATION. THE REMAINDER OF THE NAMES ON THE LIST HAVE NOT HAD DOSSIERS OPENED SINCE HE HAS BEEN UNABLE TO OBTAIN EVIDENCE OR STATEMENTS FROM EYEWITNESSES CONCERNING THESE PEOPLE.

5. MAJOR LENGSFELDER FIRMLY BELIEVES THAT HE HAS A PRIMA FACIE CASE AGAINST AT LEAST 10 PERSONS BUT WOULD LIKE TO REVIEW THE EVIDENCE AND DOCUMENTATION WITH AN INS ATTORNEY WHO WILL EVENTUALLY TRY THE CASES IN COURT. LENGSFELDER HAS EYEWITNESS TESTIMONY FROM WITNESSES WHO HE BELIEVES ARE WILLING AND ABLE TO TRAVEL TO THE U.S. TO TESTIFY UNDER OATH AND FACE RIGOROUS CROSS-EXAMINATION. HE ALSO THINKS THAT HE CAN PROVE THE STATEMENTS SIGNED UNDER OATH REGARDING PERSECUTION OF INDIVIDUALS WERE MADE UNDER FALSE PRETENSES AND THEREFORE ADD WEIGHT TO THE DENATURALIZATION AND/OR DEPORTATION HEARINGS. STATE ATTORNEY BACH, WHO IS ACTING ATTORNEY GENERAL DURING THE ABSENCE OF PROFESSOR BARAK, AGREED THAT IT WOULD BE VERY HELPFUL TO HAVE A FOLLOW-UP VISIT BY AN INS OFFICIAL WHO IS FULLY AWARE OF U.S. LEGAL LIMITED OFFICIAL USE

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REQUIREMENTS AND PROCEEDINGS IN ORDER TO ADJUDICATE THE AMOUNT AND QUALITY OF THE EVIDENCE GATHERED TO DATE BY MAJOR LENGSFELDER AND HIS STAFF. THE EMBASSY BELIEVES IT WOULD BE DESIRABLE TO HAVE SUCH A VISIT.

6. INVESTIGATOR ZUTTY WAS GIVEN A GREAT DEAL OF INFORMATION BEFORE HE LEFT CONCERNING THE 54 CASES AND IS FULLY APPRISED OF THE EVIDENCE OBTAINED BY LENGSFELDER. LENGSFELDER IS ALSO IN DIRECT COMMUN-

ICATION WITH MAURICE KILEY, INS DISTRICT DIRECTOR IN NEW YORK
CONCERNING A NUMBER OF CASES.

7. COPIES OF CONGRESSWOMAN HOLTZMAN'S BILL, HR 11300, WERE
PROVIDED TO PROFESSOR BARAK AND MAJOR LENGSELDER WITH THE
EXPLANATION THAT THIS BILL, IF PASSED, WOULD PROVIDE A LEGAL
BASIS TO PROSECUTE ALLEGED NAZI WAR CRIMINALS WHO HERETOFORE WERE
NOT COVERED BY STATUTE.

8. PLEASE ADVISE.
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